

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Keith M. Whitaker, Sr.,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:10cv306
vs.	:	
	:	Chief Judge Susan J. Dlott
Warden Toledo Correctional Institution,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz filed on August 29, 2011 (Doc. 23), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired November 30, 2011, hereby ADOPTS said Report and Recommendation.

Accordingly, the petition is **DISMISSED** with prejudice. Since reasonable jurists will not disagree, petitioner will be denied any requested certificate of appealability and leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court